

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

) Magistrate Docket No. FJL '08 MJ 0034) 08 JAN -4 AM 11:38

Plaintiff

) *CLERK SOUTHERN DISTRICT OF CALIFORNIA*

v.

) COMPLAINT FOR

Jesus VAZQUEZ LOZANO
AKA: J De Jesus LOZANO, Jr.) VIOLATION OF: *§ 1544*

) TITLE 18 U.S.C. § 1544

) Misuse of Passport

) *Deputy*

)

)

The undersigned complainant, being duly sworn, states:

On or about January 3, 2008, within the Southern District of California, defendant Jesus VAZQUEZ LOZANO did knowingly and willfully use a passport issued or designed for the use of another, with the intent to gain admission into the United States in the following manner, to wit: Defendant applied for entry to the United States by presenting US passport number 037131722, issued in the name J De Jesus LOZANO, to a Department of Homeland Security, Customs and Border Protection Officer, knowing full well that he was not J De Jesus LOZANO, DOB 03/06/1975, that the passport was not issued or designed for his use, and that he is not a United States citizen entitled to a U.S. Passport.

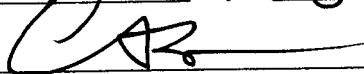
All in violation of Title 18, United States Code, Section 1544.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



Richard M. Escott
 Senior Special Agent
 U.S. Department of State
 Diplomatic Security Service

SWORN AND SUBSCRIBED TO before me
 This 4 day of Jan, 2008.


 UNITED STATES MAGISTRATE JUDGE

CATHY ANN BENCIVENGO
U.S. MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT & STATEMENT OF FACTS

I, Richard Michael Escott, being duly sworn, declare under penalty of perjury that the following statement is true and correct:

1. I am a Senior Special Agent (SSA) with the U.S. Department of State, Diplomatic Security Service (DSS) assigned to the San Diego, CA Resident Office. I have been so employed for eight years and have investigated numerous violations involving the false application for and misuse of United States Passports and Visas.

2. During the performance of my duties, I have obtained evidence that Jesus VAZQUEZ LOZANO, aka J De Jesus LOZANO used the passport issued for the use of another. This Affidavit is made in support of a complaint against DEFENDANT for violation of Title 18, U.S.C., Section 1544, Misuse of a Passport.

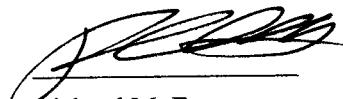
3. On 01/03/2007, at approximately 0926 hours, DEFENDANT presented himself to a Department of Homeland Security, Customs and Border Protection (CBP) Officer at the pedestrian lines of the Otay Mesa Port of Entry, to apply for admission into the United States. DEFENDANT identified himself with US Passport number 037131722, bearing the name J De Jesus LOZANO, DPOB 03/26/1975, California, USA, and a photograph of DEFENDANT. The CBP Officer scanned the passport and subsequently identified that there was a US Department of State lookout that listed the passport as having been obtained by fraud. DEFENDANT was referred for secondary inspection.

4. On 01/03/2008, at approximately 1010 hours, the Affiant was advised by CPB Officer Hernandez at the Otay Mesa POE that the DEFENDANT had been detained at the secondary inspection area of the Otay Mesa POE.

5. On 01/03/2008, at approximately 1247 hours, DEFENDANT was retrieved from a seating area in the secondary inspection area and was brought to an interview room. The Affiant, assisted by a CBP Officer obtained consent from DEFENDANT to have his interview audio and video taped. DEFENDANT read his Miranda warning aloud in English from a written copy. He indicated that he understood and waived his right to counsel. He admitted that his true name was Jesus VAZQUEZ LOZANO, DPOB, 09/14/1968, Guanajuato, Mexico. He stated that he was a citizen of Mexico and not a citizen of the United States. DEFENDANT admitted that he obtained a copy of his cousin's Birth Certificate, then subsequently obtaining a California Driver License. He then used the driver license and birth certificate to apply for a US Passport in the name of his cousin, J De Jesus LOZANO. DEFENDANT said that he was subsequently issued US Passport number 037131722, in the name of his cousin. DEFENDANT claims to have paid \$8,000 to someone he claimed to be a lawyer or an immigration advisor for assistance in the fraudulent applications.

6. DEFENDANT admitted to using the passport in the name of his cousin, to apply for entry into the US on 01/03/2008, at the Otay Mesa Port of Entry. DEFENDANT said that he had previously been living illegally in the United States for the previous 18 years. He admitted knowing that it was illegal to apply for a California Driver License in the name of another, apply for a US Passport in the name of another, to use a document obtained by fraud in the application for a passport and to falsely claim to be a US Citizen. DEFENDANT made an oral and written confession as to his true identity and to elements of the charge.

On the basis of the facts presented in this probable cause statement consisting of 2 pages, I find probable cause to believe that the defendant named in this probable cause statement committed the offenses on 01/03/2008 - in violation of Title 18, United States Code, Section 1544: Misuse of a passport - when he knowingly and willfully used the passport belonging to another, J De Jesus LOZANO, knowing that it was not issued or designed for his use, in order to gain admission into the United States.



Richard M. Escott
Senior Special Agent
U.S. Department of State
Diplomatic Security Service